



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 8, 1998

Mr. Miles K. Risley  
Senior Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR98-2995

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120337.

The City of Victoria received a request for documents relating to the requestor. You state that you have released some responsive documents to the requestor. However, you object to the release of documents relating to a criminal complaint that the requestor filed with the Victoria Police Department. With the exception of front page offense report information, you contend that the documents are protected from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You state that the documents at issue relate to an "open" criminal case that "has been presented to the Victoria County District Attorney for prosecution." Based upon this representation, we conclude that the release of the documents would interfere with the detection, investigation, or prosecution of crime. *See Houston*

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<sup>1</sup>Information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You state that you do not seek to withhold front page information from disclosure.

*Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Therefore, you may withhold the documents from disclosure under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Karen Hattaway". The signature is fluid and cursive, with the first name "Karen" and last name "Hattaway" clearly distinguishable.

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 120337

Enclosures: Submitted documents

cc: Ms. Shirley Pigott  
301 Woodway  
Victoria, Texas 77904  
(w/o enclosures)